



FH

**STATE OF WISCONSIN  
Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

ENE/154126

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**PRELIMINARY RECITALS**

Pursuant to a petition filed December 12, 2013, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Sheboygan County Department of Human Services in regard to Energy Assistance, a hearing was held on January 23, 2014, at Sheboygan, Wisconsin.

The issue for determination is whether the county agency correctly denied the petitioner's application for Energy Assistance (EA) due to a failure to verify information.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

Department of Administration  
101 East Wilson Street  
Madison, Wisconsin 53703

By: Kris Schmidt, ESS Supv., Energy Services Worker  
Sheboygan County Department of Human Services  
3620 Wilgus Ave  
Sheboygan, WI 53081

**ADMINISTRATIVE LAW JUDGE:**

Kelly Cochrane  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner is a resident of Sheboygan County.
2. On October 25, 2013 the petitioner applied for EA.
3. On November 15, 2013 the agency issued a request for verification regarding income. It was due back to the agency on November 25, 2013.

4. The agency did not receive the requested verification and therefore on November 26, 2013 the agency issued a notice of decision to petitioner stating that her application for EA was denied.

### **DISCUSSION**

Wisconsin provides Energy Assistance for qualified low-income households under Wis. Stats. §16.27. The Department of Administration administers the program using the *Wisconsin Home Energy Assistance Program, Program and Operations Manual (Manual)*, 2013 version available online at <http://homeenergyplus.wi.gov/docview.asp?docid=23560&locid=25>. To be eligible, a household must meet financial and nonfinancial requirements. In order to determine the applicant's financial eligibility, the agency must consider the household income, including self-employment income. See *Manual* at §2.3.2 and 2.3.5. The agency requested verification of petitioner's income accordingly but it did not receive the information back in the agency by the due date. Petitioner and her mother testified that they brought the verification to the agency. However, they could not provide any corroboration of when that occurred, except that it was "sometime in November." Without more evidence that this occurred, I am not convinced that it occurred at all or even prior to the due date. Accordingly, I find the agency acted correctly here. Petitioner is reminded that she can still apply for EA.

### **CONCLUSIONS OF LAW**

The county agency correctly denied the petitioner's application for Energy Assistance (EA) due to a failure to verify information.

**THEREFORE, it is**

### **ORDERED**

That the petition for review herein is dismissed.

### **REQUEST FOR A REHEARING**

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

### **APPEAL TO COURT**

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Administration. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department,

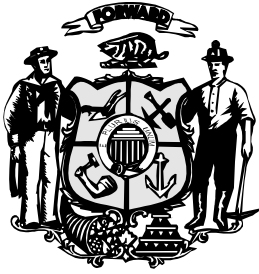
either personally or by certified mail. The address of the Department is: 101 East Wilson Street, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,  
Wisconsin, this 6th day of February, 2014

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\sKelly Cochrane  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on February 6, 2014.

Sheboygan County Department of Human Services  
DOA - Energy Assistance